

*Town of North Andover*  
**ZONING BOARD OF APPEALS**

*Albert P. Manzi III, Esq. Chairman*  
*Ellen P. McIntyre, Vice-Chairman*  
*Richard J. Byers, Esq. Clerk*  
*D. Paul Koch Jr. Esq.*  
*Allan Cuscia*



Associate Member  
*Michael P. Liporto*  
*Deney Morganthal*  
*Doug Ludgin*  
Zoning Enforcement Officer  
*Gerald A. Brown*

*APPT VD*  
*March*  
*11, 14*

**DRAFT MINUTES**  
**Tuesday, February 25, 2014 at 7:00 PM**  
**Town Hall 120 Main Street, North Andover, Massachusetts**

**Members present:** Ellen McIntyre, Richard Byers, D. Paul Koch Jr., Esq., and Allan Cuscia  
**Associate Members** Michael Liporto  
**Also in attendance** Edith Netter, Curt Bellavance  
**Excused absence:** Deney Morganthal

McIntyre called the special meeting to order at 7:05

**Pledge of Allegiance**

**Acceptance of Minutes for February 11, 2014**

Cuscia made the motion to approve the Minutes

Byers second the motion.

Those voting in favor to approve the minutes; McIntyre, Byers, Koch, Cuscia, and Liporto

**North Andover Holdings, LLC 16 Berry Street/Riding Academy Preserve, North Andover, MA (Map 106.D, Parcel 0032).**

M.G.L. Chapter 40B, Section 21 for a Comprehensive Permit

McIntyre stated to the Board that everyone has a copy of the revised draft decision. We will review and go with what we have.

Netter stated that we will go through the draft dated 2/20/2014. One way to approach this is to go page by page or another way we can make it more productive is by discussing any substantive concerns that the Board may have and then talk of smaller concerns or issues.

Cuscia brought up the Farm House, since it was the only item that has been left open.

McIntyre stated that we did not talk of any time constraint on the Farm House from the last meeting.

Byers wanted to talk of the Historical Farm House too and read the letter out loud to the Board from Anne Ericson dated Feb 18, 2014 of The North Andover Historical Commission dated Monday, February 17, 2014. NAHC visited 16 Berry Street, following the site visit the NAHC determined that this structure does have historical significant to the town of North Andover.

Byers continued reading the letter and read the reasons why the NAHC believe that the old Farm House has Historical significance.

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Byers and Koch stated that they would be inclined to grant the waiver to the applicant to allow them to take down the farmhouse because they did not think it held any significant value.

Koch stated he did drive by to view this farmhouse. And he did not see anything of historical value and their does not seem to be anything interestingly historical that goes along with the house.

McIntyre stated that her belief is that this and 2 other old farm houses are considered to be the Gateway to North Andover.

The Board discussed the Farm House and expressed their opinions on the Historical value of the Farm House.

Byers stated that he had no idea it was historical until recently when the applicant asked for the waivers.

Cuscia stated that the Farm house was never really talked about during the course of the meetings and agreed with Koch. Just because it is old means nothing.

The Board decided to add a year restriction on demolishing the Farm House, based on the demolition delay bylaw.

Liporto stated that maybe they can still go forward with their project and just leave the Farm House until the time comes for them to demolish it and that may take up to a year or more.

McIntyre stated that there is also Conservation Issues associated with the farm House.

Regnante, attorney for the applicant asked if he could speak on the Farm House since it was still open. Regnante stated if the Board was not to grant the 1 year waiver to the applicant, Regnante suggested to the Board to change or add language to the decision on just the Historical Farm House itself, so they can proceed forward with the project and get the necessary permits in the meantime.

McIntyre asked the Board if they had any other significant substantive issues that they would like to discuss.

McIntyre stated that Jenifer Hughes, the Conservation Administrator had some issues with wetlands. Netter stated that she and Bellavance discussed this issue regarding these Conservation issues.

The Board and Netter touched on some of the Waivers that were in the Draft Decision.

Cuscia stated that the only substantive item he had was with the height of the buildings, Cuscia stated it was on Table 2 of the waivers.

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McIntyre stated hers was with the signs.

McIntyre stated that she only wanted one sign at the entrance.

Netter stated that it is 6.6(A) of the waivers, page 12, Permitted Signs, Residential District-Accessory Signs.

None of the Board members spoke up in support of McIntyre's suggestion on having just 1 sign at the entrance.

Netter wanted to point out to the Board in talking to Conservation that the most recent Wetlands Protection Regulations, revision is dated 3-9-11. She wanted to make sure she corrected page 14 of the decision draft, entitled "Chapter- 178 Wetland Protection".

Netter talked of the difficulties of all the various plans and pages that were submitted at different times, she wanted to make sure they were correctly listed. Netter wanted to make sure all the plans were accurate. Bellavance stated that he will look into these missing pages and get back to Netter.

Byers spoke of the e-mail from Gene Willis, Director of Engineering, dated Feb 18<sup>th</sup> regarding estimating the performance guarantee and bonds for the Berry Street project.

Bellavance spoke of the calculations needed to be done in order to come up with the amount of a Bond. He also spoke of Lisa Eggleston (Conservation Agent) and what would be needed to determine the amount of the Bond.

Netter read an e-mail to the Board regarding Jennifer Hughes comments, suggestions and changes to the Decision Draft on page 8, under Pre-Construction Review item f.

The Board agreed with the language changes that Hughes suggested to Netter.

It was also suggested from Hughes that they provide a Performance Guarantee in the amount to be recommended by the Town Engineer and Conservation Agent.

Other items and conditions were suggested from Hughes that the Board agreed upon.

Netter spoke of the Findings located on page 3, on the Decision, item number 2. She wanted to have an accurate number for the housing inventory and Netter was planning on changing the language.

Netter spoke of various language changes throughout the Decision.

At one point the Board and Netter asked the applicant's attorney, Regnante his opinion on subsidizing agencies and the language he would like used in the decision.

Netter spoke of item numbers 24, 25 and 27 on page 9 of the Draft Decision. She read those items to the Board, along with the changes in the language she would make.

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Cuscia was concerned with the times the work and construction would start once the project was under construction.

Koch suggested making a noise level standard.

Netter spoke of item number 36, on page 10 of the Decision. Netter spoke that the applicant had concerns with the wording, regarding the commencement of construction and building Permits. The Board asked Bellavance questions on the stages of the Building Permits, costs and how they were obtained.

McIntyre stated she thought the wording should stay as is. The Board agreed.

Netter wanted to correct a number she wrote down on page 5 of the Decision regarding parking. The amount should be 130 and 191 parking spots.

One of the items suggested by Koch regarding snow removal was that snow was not to cover a parking spot for snow storage. McIntyre felt that was a good idea.

McIntyre asked the Board and Netter where we go from here. Netter responded that it is up to you and the Board

The Board agreed to vote tonight. Netter suggested when voting to allow for wiggle room for any language changes.

Netter stated that we need majority of the vote to approve the 40B. Since we have a 5 members board, 3 voting in favor of the project is enough to approve the project.

Koch made a motion to approve and grant the 40B project on 16 Berry Street, and read the original Legal Ad and stated any changes made to the project, such as the amount of units. Koch also included the decision and waivers as discussed. Edith Netter will revise these changes.

Byers amended, referenced and second the motion to approve the 16 Berry Street project as discussed.

Those in favor to approve the 40B project on 16 Berry Street were McIntyre, Byers, Koch, and Liporto

Not in favor to approve the 40B project on 16 Berry Street was, Cuscia

For a vote of 4 approved and 1 opposed. 16 Berry Street was approved

**Adjourn Meeting Adjournment: 8:07**

Byers made a motion to adjourn the meeting.

Cuscia second the motion

Those voting in favor to adjourn the meeting were McIntyre, Byers, Koch, Cuscia, and Liporto

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